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MS PETITION
PATENT
0630-1417P

IN THE U.S. PATENT AND TRADEMARK OFFICE

Applicant: Hyuk LEE et al. Conf.: 1315
Appl. No.: 10/048,020 Group: 3746
Filed: January 28, 2002 Examiner: FREAY, CHARLES
For: DISCHARGE VALVE APPARATUS FOR
RECIPROCATING COMPRESSOR

PETITION TO WITHDRAW ABANDONMENT
SINCE REPLY WAS TIMELY FILED

MS PETITION
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

RECEIVED

April 19, 2004

APR 22 2004

TECHNOLOGY CENTER R3700

Sir:

In response to the Notice of Abandonment mailed **February 18, 2004**, which issued in connection with the above-identified application, this is a Petition to withdraw the "abandonment status" of the present application, since a Reply was timely filed on **November 21, 2003** and **February 9, 2004**. As evidence of the fact that a Reply was timely filed, enclosed herewith are the following:

- a copy of the Reply filed November 21, 2003 and February 9, 2004 (including (3) three sheets of replacement, formal drawings required by the Examiner and timely filed in the USPTO); and

- a copy of the postcard receipt which was date-stamped on November 21, 2003 and February 9, 2004.

It is requested that the abandonment status of the present application be immediately removed so that prosecution may resume with full consideration and entry into the record of the timely filed Reply. A copy of the three (3) sheets of formal drawings containing the legend "Background Art" are attached as an Appendix to this Petition.

Applicants submit that Applicants timely submitted a letter on November 21, 2003 requesting the clarification of the status of FIGs. 1-5 of the present application, as it appeared during the telephonic interview conducted with the Examiner that the drawings had been approved. Applicants note that during the telephonic interview conducted on August 25, 2003, the Examiner indicated that the Examiner's position with respect to the subject matter of FIGs. 1-5 had been withdrawn, e.g., Applicants Alleged Admitted Prior Art, and the present application was to be allowed. Applicants submit that the subject matter of FIGs. 1-5 appeared to be approved in its entirety.

Upon receiving clarification from the Examiner that the Examiner required FIGs. 1-5 to be submitted with formal, replacement sheets, Applicants submitted the (3) three sheets of replacement sheets as required by the Examiner. Therefore, in accordance with section 1302.05 of the MPEP, i.e., "where an

application otherwise ready for issue requires correction of the drawing, the application is processed for allowance in the Technology Center and then forwarded to the Publishing Division.

Any papers subsequently filed by the applicant, including corrected drawings, are forwarded to the Publishing Division in order to be matched with the application file," the corrected formal drawings should have been entered. Applicants submit that the formal drawings submitted with the Reply of November 21, 2003 and February 9, 2004 should have been entered and the present application should have been sent to Issue.

If the U.S. Patent Examiner has any questions regarding the above matters, please contact Applicants' representative, Matthew T. Shanley, #47,074, at the phone number listed below.

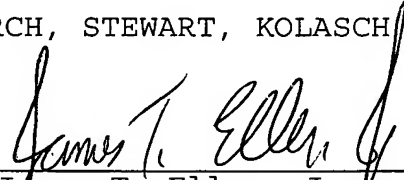
It is submitted that no fees are required for filing this Petition, since the error occurred because of a mistake on the part of the U.S. Patent and Trademark Office.


If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fee required under 37 C.F.R. §§ 1.16 or 1.17; particularly, extension of time fees.

Respectfully submitted,

BIRCH, STEWART, KOLASCH & BIRCH, LLP

By


James T. Eller, Jr. #39,538


JTE/MTS/cl
0630-1417P

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Falls Church, VA 22040-0747
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Attachments: Copy of Reply (including three sheets of formal drawings filed with Reply)
Copy of postcard receipt

(Rev. 02/08/2004)



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Papers Filed herewith on: **NOV 21 2003**
DOCKET NO.: 630-1417P ATTY.: JIE/MTS HC3
APPLICANT(S): LEE et al
APPLN. NO: 101048,020 FILED: 3-11-02
PAT NO.: _____

- ☐ New Application with Transmittal Letter
☐ Utility ☐ Design ☐ CIP ☐ PCT ☐ Provisional
☐ Filing Under 37 CFR 1.53(b) ☐ CONT ☐ DIV
☐ Filing Under 37 CFR 1.114(RCE)
☐ Specification Consisting of: _____ pages
☐ Combined Declaration & Power of Attorney
☐ Assignment / Cover Letter
☒ Letter to Official Draftsman *Key - App. of F. Dwyer*
☐ Drawings _____ Sheets ☐ Formal ☐ Informal ☐ Red-Ink
☐ Completion of Filing Requirements, PST/DO/EO/905
or Formalities Letter and Executed Declaration
☐ Priority Document(s) / Cover Letter, No. Doc. _____
☐ Amendment: _____
☐ Transmtl Ltr ☐ Large Entity ☒ Small Entity
☐ Response
☐ Information Discl Stmt. PTO-1449(s) _____ Doc(s)
☐ PTO / ISA / 210
☐ Notice of Appeal ☐ Formal Brief
☐ Issue Fee Transmittal ☐ Sequence Listing
☐ FEES: _____
☐ Letter: _____
☐ Other: _____

DOCKET NO.

630-1417P

Receipt is hereby acknowledged of the papers filed as
indicated in connection with the above identified case.
COMMISSIONER OF PATENTS AND TRADEMARKS

Due Date: _____

Handcarry: Publishing Division CP3 Rm 910

COPY



MS ISSUE FEE
PATENT
0630-1417P

IN THE U.S. PATENT AND TRADEMARK OFFICE

Applicant: Hyuk Lee et al. Group: 3746
Application No.: 10/048,020 Examiner: Charles Grant Freay
Filed: March 11, 2002 Conf.: 1315
For: DISCHARGE VALVE APPARATUS FOR RECIPROCATING COMPRESSOR

LETTER TO THE OFFICIAL DRAFTSPERSON
REQUESTING APPROVAL OF FORMAL DRAWINGS

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

COPY NOV 21 2003

Sir:

In reviewing the above-captioned application file upon allowance, the drawings filed on June 26, 2003 have been approved. However, the drawings filed on March 11, 2001 appear to be acceptable but there was no mention of approval. If our understanding is incorrect, it is requested that the Commissioner notify the undersigned immediately so that appropriate and timely action may be taken.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. §1.16 or under 37 C.F.R. §1.17.

Respectfully submitted,

BIRCH, STEWART, KOLASCH & BIRCH, LLP

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By

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JTE/MTS/djm

APR 22 2004
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REPLACEMENT SHEET

1/7

FIG. 1

BACKGROUND ART

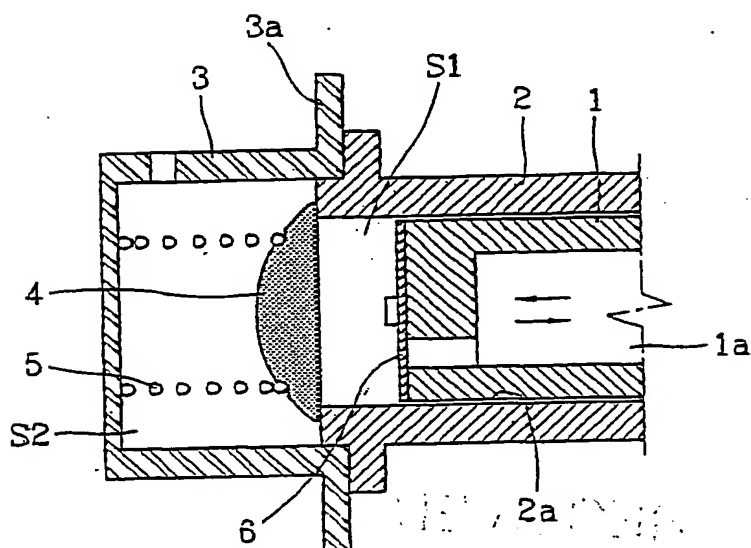
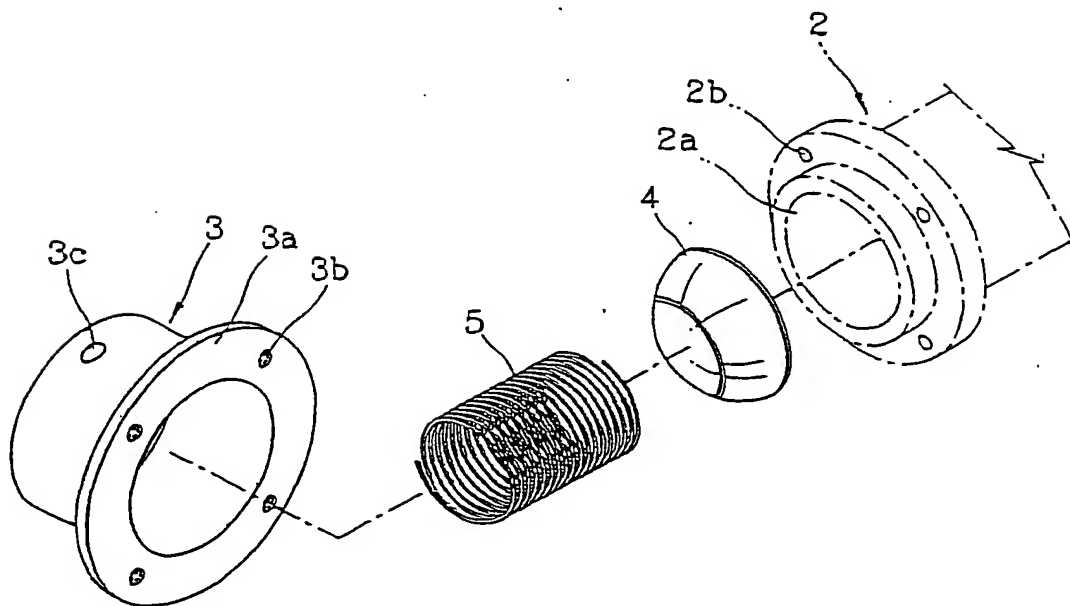


FIG. 2

BACKGROUND ART





REPLACEMENT SHEET

2/7

FIG. 3A
BACKGROUND ART

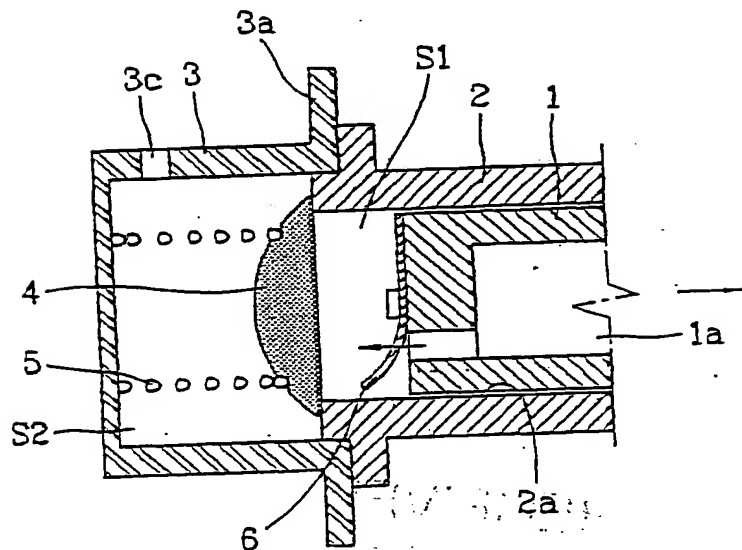
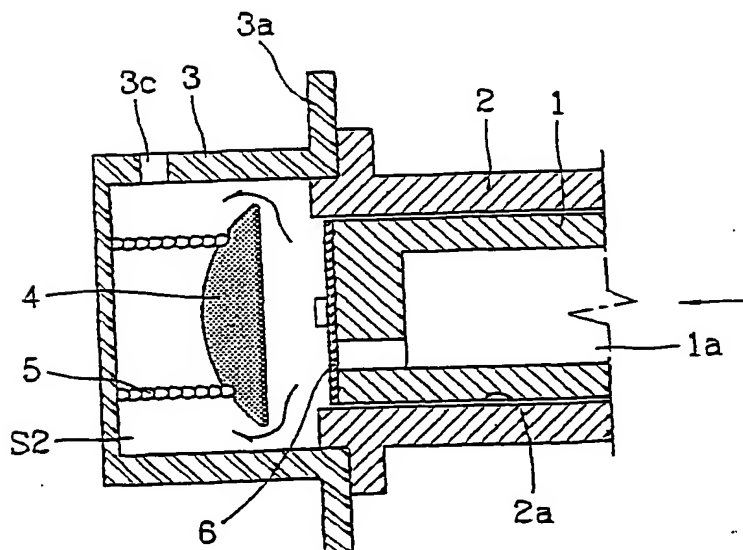


FIG. 3B
BACKGROUND ART





REPLACEMENT SHEET

3/7

FIG. 4
BACKGROUND ART

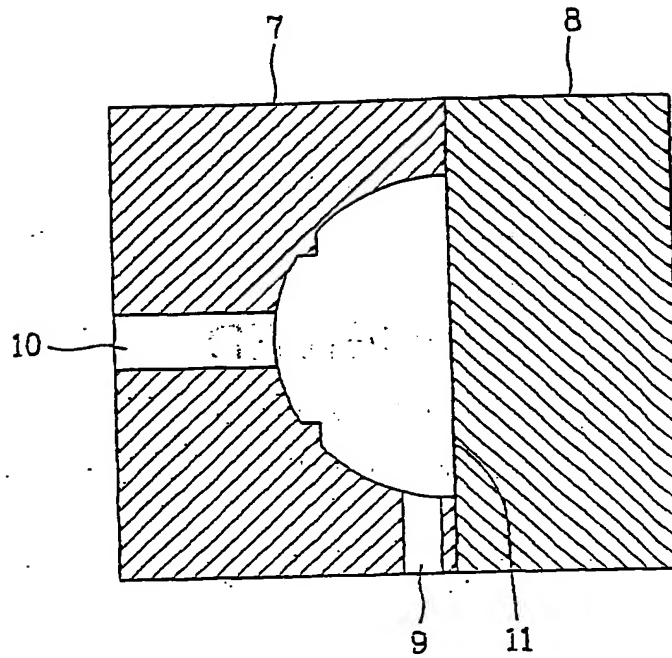


FIG. 5
BACKGROUND ART

